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To:	Examiner: Thomas Sweet Group Art Unit: 3738	From:	Raymund F. Eich, Ph.D. Reg. No. 42,508
Fax:	1-703-872-9308	Phone:	713-934-4065
No. of Pages:	3	Date:	April 5, 2005
Re:	Serial No. 09/746,712	File:	2009.015300

*w/ coversheet

ORIGINAL: Will follow **XX** Will not follow

•Comments:

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JOSEPH ANDREW CHINN
R. MICHAEL CASANOVA

Serial No.: 09/746,712

Filed: December 21, 2000

For: ANTIBIOTIC TREATED IMPLANTABLE
MEDICAL DEVICES

Confirmation No.: 3630

Group Art Unit: 3738

Examiner: Thomas Sweet

Attorney Docket: 2009.015300/RFE
(CMI-397)

CUSTOMER NO. 23720

RESPONSE TO RESTRICTION REQUIREMENT
DATED MARCH 17, 2005

MAIL STOP AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE
37 C.F.R. § 1.6(d)

I hereby certify that this paper is being facsimile transmitted to MAIL STOP AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, facsimile number 1-703-872-9306, on this 5th day of April 2005.


Cyndie McInhart

Sir:

This paper is submitted in response to the Restriction Requirement dated March 17, 2005, for which the date for response is April 17, 2005.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Director is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2009.015300RFE.

In the detailed action mailed March 17, 2005 at p. 2, the Examiner indicated the present claims were directed to two different inventions: Group I, claims 1-8 and 18 [sic], directed to

methods of implanting a heart valve; and Group II, claims 9-19, directed to heart valves. Applicants surmise the reference to claim 18 in Group I is in error, and this claim belongs to Group II. If this is incorrect, Applicants ask the Examiner to clarify this point.

In response to the restriction requirement, Applicants elect, without traverse, to prosecute Group I, claims 1-8.

The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 23720

April 5, 2005



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